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October 6, 1995

Chairman Reed E. Hundt
Federal Communications Commission
1919 M St., NW
Washington, DC 20554

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Dear Chairman Hundt:

As president of the Children's Television Resource and Education Center (C-TREC), I am responding to the Federal Communications Commission's Notice of Proposed Rule Making regarding The Children's Television Act of 1990 (CTA).

The Children's Television Resource and Education Center (C-TREC) was established in 1985 as a non-profit educational corporation. From its beginning, the Center has been dedicated to creating services and products that promote children's social development and academic success. As part of that commitment, C-TREC helps parents, teachers, and other professionals deal with issues related to children and electronic media—particularly television.

Before responding to the FCC proposal, C-TREC would like to take this opportunity to applaud the Commission for its aggressive approach to operationalizing the CTA and for actively seeking national input throughout the process.

The following comments by C-TREC regarding the Notice of Proposed Rule Making are based on these twin assumptions: In order for the CTA to have any significant influence on children's cognitive and social development, it must substantially increase the number and variety of educational programming and increase the number of young viewers watching these types of programs.

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Comments regarding: III. Proposed Revisions of Children's programming Requirement.

A. Improving the Flow of Information to the Public to Facilitated Enforcement of the CTA

(#21 to #26.) We tentatively agree with the Commission's assessment "that it is unnecessary for the commission to evaluate the quality of children's programming" as long as several critical public-awareness processes are in place. First, parents must have regular "in-home" access to the educational goals of any such program. This means that once a program's educational objectives have been defined and agreed upon (a separate process in itself) each station should make this information readily available to young viewers and their parents.

There are several steps that could make this information apparent. For example, a one or two word educational descriptor could be listed parenthetically beside the program title in the weekly or daily newspaper TV guides. Educational objective(s) could also be presented through audio and visual cues at the beginning or end of each program. Regardless of presentation technique, the emphasis should be on parents receiving regular and repetitive information. Without such constant reminders, C-TREC believes that most parents will be unable or unwilling to take an active role in assessing the educational quality of a particular program for their own children or for making judgments regarding a station's level of compliance with the CTA.

Moreover, if the Commission truly expects "market place forces" to facilitate more educational/informational programming then it behooves individual stations and broadcasters to spend more financial and creative resources to promote their educational programs (to children and their parents) on air and in the newspapers. If market forces are to prevail in the arena of core programming, it will take a much greater TV industry effort than limiting the identifying information to a single, uninspiring "educational" icon in print or on the screen. In that regard we strongly recommend that a licensee be required to create and air a certain number of promotions for any educational programs that it is "hosting" or that it is "sponsoring" on another station.

In terms of public monitoring, we believe that the requirement that a station simply single out a contact person and maintain a public inspection file is a woefully inadequate mechanism for review and oversight. C-TREC's experience through dialogue with thousands of parents has convinced us that regardless of their personal concern about the quality of children's television, only the most committed activists have the time, energy or inclination to physically inspect a station's public logs, reports or correspondence.

Therefore, in addition to maintaining public files, C-TREC recommends that each station be required to release a quarterly summary of its "specifically designed" programming to the local newspapers and to air this information as well as regular public service announcements.

Comments regarding: III. Proposed Revisions of Children's programming Requirement.

B. Definition of Programming "Specifically Designed" to Serve Children's Needs

Before commenting further on specific proposals, we would like to briefly address the Commission's apparent conciliatory tone towards broadcasters. In addressing many of the proposed changes that licensees may have to make in order to comply with the CTA, the Commission often uses phrases that stress "providing broadcasters with incentives," and not making "requirements overly burdensome for licensees" and "permitting [them] to exercise programming discretion."

While we can understand the Commission's concern for the upheaval that these changes may cause in the television industry, it is C-TREC's position that for broadcasters (and licensees), any new responsibility regarding children's programming will be inherently burdensome, inconvenient and full of disincentives. From the perspective of the multi billion dollar entertainment industry, many of these requirements must appear downright onerous. Therefore we are fearful, upon reading the Notice of Proposed Rule Making, that the Commission in its attempts to "get all parties on board" has made recommendations that in several instances will dilute the CTA effort to better serve the educational and informational needs of children.

(#38.)For example, while we appreciate the Commission's efforts to give commercial broadcasters leeway in deciding which specific topics will be considered educational, we don't find it especially inconvenient for a broadcaster or a TV station to be required to identify the pedagogical objective(s) of a particular program. As we have previously stated, we believe that it is in the best interest of the public that a program's educational objective(s) be presented along with the on-air labeling of a program as educational/informational.

(#39.)We also question the Commission's tentative decision regarding what we consider a laissez- faire strategy toward ensuring a sufficient supply of "core programming" for all age groups under the age of sixteen. We believe that this approach easily could give short shrift to preschool and elementary school age viewers for two reasons. First, as the Commission has noted, there are a number of financial incentives for broadcasters to develop programs for

a predominately older group of viewers. Also, because of their media sophistication, cognitive abilities and life experiences programmers can use a variety of low cost instructional formats to grab and hold their attention.

It is C-TREC's position, which we believe is supported by media and child development research, that the preponderance of core programming should be skewed in the other direction—targeted to viewers in their early, more formative stages of cognitive and socio-emotional development. This strategy of focusing on preschool and elementary aged children would not only have an immediate developmental impact but would also heighten their long term awareness of television as an educational as well as entertainment vehicle.

(#40.) We appreciate the Commission's request for commentary regarding the proposed 6:00 a.m. to 11:00 p.m. time frame for viewing core programming. Frankly we cannot think of a quicker way of killing the intent of the CTA than by creating an early morning children's "educational ghetto" whereby all commercial licensees regularly discharge their three to five hours of core programming responsibilities. Among other negative side effects, this early time slot instills a "dawn patrol" TV viewing habit in young children and also effectively excludes most parents as co-viewers. As we know from child development research, adult co-viewers can play an important role in extending the educational value of any children's program. Therefore we strongly urge the Commission not to allow any portion of a licensee's core programming to be aired before 7:00 a.m.

(#'s 41. and 42.) We agree with the Commission's decision that core programming should be regularly scheduled and of substantial length. We believe that the vast majority of these specifically designed programs should be aired at least on a weekly basis. Each program should be a minimum of thirty minutes long.

Both of these C-TREC recommendations are based on past research and current programming practices. Young audiences, just like their older counterparts, are more likely to watch a program if they have a regular and lengthy opportunity to identify with a program's characters and become familiar with its content and formal features. From a logistical point of view, the thirty minute standard fits in with the format increments for the majority of other programming and the print listings that identify and promote them. Certainly children's specials and programs of differing length have their place (and should be credited) within a core programming strategy. However if the goal of the CTA is to raise the number of young viewers who will be attracted to core programming, we believe that producing substantial programs and routinizing schedules must be primary considerations.

(#43.) Please refer to our earlier comments in section A. Improving the Flow of Information to the Public to Facilitated Enforcement of the CTA of this correspondence. To summarize, we believe that mere identification of core programming in some innocuous manner is not enough.

Educational/informational programming needs to be promoted in the same manner (and to the same degree) as other children's and general audience programming. Again, we think that *specific* educational objectives should be part and parcel of that notification and promotion process. While such ongoing promotion efforts may have some added cost, it is clearly a task that both broadcasters and licensees routinely discharge in an expert and efficient manner.

(#44.) C-TREC would like to support the Commission's consideration of dropping its earlier guidelines in lieu of the more stringent requirements which are being proposed. It is our opinion that even if none of the newly proposed guidelines are adopted, the earlier "permissive" guidelines should still be scuttled since they simply serve to perpetuate rather than change the historically abysmal state of children's programming.

C. Further Options

(#55.) We are strongly opposed to the Commission's monitoring of core programming as an enforcement mechanism. We find it analogous to sending a bill to committee in order to discuss it further. Monitoring, even more than either of the other two alternatives, would be cumbersome, open to argument, misinterpretation and litigation, as well as highly susceptible to changes in FCC leadership or the political expediencies of Congress and Presidential administrations.

(#56 to #61.) C-TREC believes that children's educational and informational needs are best served by the Commission's plan to institute guidelines for a programming standard rather than a safe harbor period. We think that this slightly more stringent requirement is preferable especially if the Commission decides to demand that licensees air a minimum of three hours of core programming per week. This program standard mandate applies a reasonable level of accountability for a very small amount of effort on the part of the licensee. In that regard, we do agree with the Commission's notion that this programming level should increase by one half hour each year until it has reached an average of five hours of programming a week.

(#62. to #65.) Based on our interest in exposing children to more quality educational and informational programming on a regular and sustained basis, we recommend that core programming standards be expressed in hours per week and that those weekly averages should be equal on a per quarter basis.

We would like to briefly discuss the level of core program credit that should be given to licensees for airing program repeats and reruns. At this time we do not have a definitive recommendation regarding this issue. However we would like the Commission to consider two aspects of including this provision.

First we know from media and educational research that redundancy is a powerful pedagogical tool. This knowledge could rightly lead the Commission to determine that all repeated core programs should be given full credit as part of a licensees' core programming strategy.

On the other hand, since the Commission has rightly determined that core programming must have a significant educational (rather than entertainment purpose) we are concerned that this type of programming may be somewhat less likely to draw repeat viewers (especially among elementary age and older audience members). This concern about repeat viewership could be exacerbated if broadcasters were to determine early in their core programming implementation and evaluation process that there was little market value in such programming. This "bottom line" mentality might lead broadcasters to cut production costs, and concomitantly lessen their efforts to fully develop a core program's entertainment features—the very qualities that would transcend program content and draw an audience for repeated viewing. If this circumstance does occur it would behoove the Commission to give licensees significantly less credit for repeat airings of core programs.

Although the "repeats and reruns issue" is a seemingly small item among a rather large number of proposal changes, we think that this is an important issue worthy of further discussion. We hope that before the Commission makes a determination on this issue of credit for repeats and reruns, it will take the opportunity to conduct a complete review of any and all qualitative and quantitative findings as they relate to program type, production quality, number of reruns, and audience age factors in repeat viewing.

In the interest of simplicity and to provide young viewers with the greatest number of viewing options, we recommend that the core programming requirements be the same for all stations regardless of market size and that the Commission evaluate licensees based on the number of programs aired rather than by total ratings.

(#74. to #76.) As we stated previously, C-TREC strongly recommends that any weekly core programming requirement should be averaged on a quarterly rather than an annual basis. This evaluation time line would ensure substantial and regular core programming throughout the year and thereby avoid a broadcasting strategy of bunching educational and informational programs during months that have historically lower viewership. If enacted

this requirement would enable parents to more easily monitor a stations compliance and would allow licensees to respond in a more timely manner.

While we appreciate the Commission's interest in "reducing the government's role in reviewing CTA compliance," we believe that it is in the public's greater interest to do everything within reason to guarantee that broadcasters adhere to the proposed guidelines. Historically, the relationship between the broadcast industry and concerned citizens has been filled with animus and distrust. C-TREC is convinced that until that relationship changes, the Commission should institute reasonable procedures to oversee licensee compliance. Therefore we believe that it is appropriate to ask the broadcast industry to develop a straightforward data collection and reporting system that would enable every licensee to submit core programming documentation to the Commission.

(#77. to #84.) From our reading, We find the "program sponsorship" concept to be a flexible and acceptable strategy for meeting core programming requirements. However, as we stated at the beginning of our response, C-TREC's primary interest is in significantly increasing the number of education/informational children's programs. Our major concern with the program sponsorship idea is the potential risk that sponsorship agreements will decrease rather than increase the overall number of core programs.

This hypothetical illustration highlights our concerns. Suppose that a local PBS station has an abundance of core programming for children (as most do). However, federal grants and pledge drives have returned fewer and fewer dollars to the station causing belt tightening but not program cancellations. Under the program sponsorship plan a local licensee(s) agrees to sponsor one (or more) programs. Through this sponsorship agreement the "host" PBS station has some of its programs underwritten and still has a surplus of children's shows needed to meet its core programming requirement. Unfortunately the net result of this sponsorship is no new core programming.

We must admit that we feel a little nervous even putting forth this hypothetical case. For years C-TREC has deplored the hand-to-mouth existence that shadows PBS grantees. In that respect, program sponsorship would provide a financial windfall and production stability that could in turn lead to more creative, instructive programs.

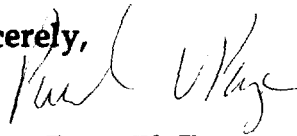
However, as our example points out, this monetary infusion from for-profit stations to non-profit licensees may also lead to less rather than more overall core programming. The situation could be even worse for young viewers in large metropolitan areas, where for-profit licensees could choose to support identical core programming (i.e. Sesame Street) from as many as three, sometimes four, local PBS affiliates. C-TREC wants to be clear that in a

sponsorship scenario we do believe that commercial stations should be allowed to sponsor educational programs on noncommercial stations. However, this perceived loop-hole should be closed.

C-TREC has several other comments regarding the program sponsorship concept. We agree that the host station's young viewership should overlap with at least eighty percent of the sponsor's audience. We believe that no sponsor should receive credit for partnering with a host station that can't meet this minimum eighty percent requirement. C-TREC also agrees with the Commission that host stations should not be permitted to claim credit for sponsored programming. Finally we would take the sponsor's accountability one step further by requiring that the sponsor regularly identify and promote its core programming through promotions aired on the sponsor's (as well as the host's) station.

In conclusion, C-TREC would like to thank the Commission for the opportunity to comment on the implementation of the CTA. Again, we applaud your efforts on behalf of this nation's young viewers. If we can be of further assistance please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Parker Page".

Parker Page, Ph.D.
President